

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-30172-KPN

ROBERT DADE, )  
Plaintiff )  
vs. )  
BOLAND BUILDERS, INC., )  
THOMAS M. BOLAND, STUART JONES )  
AND MARY ROSE JONES, )  
Defendants )

**DEFENDANTS, BOLAND BUILDERS, INC. AND THOMAS M. BOLAND'S,  
OPPOSITION TO PLAINTIFF'S MOTION TO AMEND COMPLAINT**

NOW COME the defendants, Boland Builders, Inc. and Thomas M. Boland, and respectfully oppose the plaintiff's motion to amend his complaint. First and foremost, the defendants note that the plaintiff has failed, entirely, to comply with the Local Rules regarding consultation prior to the filing of motions. Such consultation is crucial to the plaintiff's motion as the substantive basis for the need for the proposed amendment is nowhere identified. If the plaintiff's complaint remains one which sounds purely in negligence, then the amendment would appear somewhat superfluous. If, alternatively, the plaintiff is attempting to assert a different theory of liability, then the defendants would vehemently object to the same at this late date.

WHEREFORE, based upon the foregoing, the defendants, Boland Builders, Inc. and Thomas M. Boland, respectfully oppose the Plaintiff's Motion to Amend Complaint.

THE DEFENDANTS  
BOLAND BUILDERS, INC. AND  
THOMAS M. BOLAND

By /s/ Nancy Frankel Pelletier  
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 10<sup>th</sup> day of March, 2006.

/s/ Nancy Frankel Pelletier  
Nancy Frankel Pelletier